

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

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JOHN WAITE, an individual; JOE ELY, an
individual; KASIM SULTON, an individual;
SUSAN STRAW HARRIS p/k/a SYD STRAW,
an individual; LEONARD GRAVES PHILLIPS,
an individual; STAN SOBOL a/k/a STAN LEE,
an individual; STEVE WYNN, an individual;
DENNIS MEHAFFEY p/k/a DENNIS DUCK,
an individual; and DAVID PELLISH p/k/a
DAVE PROVOST, an individual; and on behalf
of all others similarly situated,

Plaintiffs,

v.

UMG RECORDINGS, INC., a Delaware
corporation doing business as Universal Music
Group; CAPITOL RECORDS, LLC, a Delaware
limited liability company; and DOES 1 through
10,

Defendants.
-----X

Case No. 1:19-cv-01091(LAK)

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

SO ORDERED


LEWIS A. KAPLAN, USDJ

11/18/2020

WHEREAS, on February 5, 2019, plaintiffs John Waite ("Waite") and Earle R. Ely, Jr. p/k/a Joe Ely ("Ely") filed a putative class action Complaint against defendant UMG Recordings, Inc. ("UMG") for copyright infringement and declaratory relief;

WHEREAS, on June 5, 2019, plaintiffs Waite, Ely, Kasim Sulton ("Sulton"), Susan Straw Harris p/k/a Syd Straw ("Straw"), Leonard Graves Phillips ("Phillips"), Stan Sobol a/k/a Stan Lee ("Sobol"), and Israel Caballero ("Caballero") filed a First Amended Complaint against UMG for copyright infringement and declaratory relief;

WHEREAS, on August 31, 2020, plaintiffs Waite, Ely, Kasim, Straw, Phillips, Sobol, Steve Wynn (“Wynn”), Dennis Mehaffey p/k/a Dennis Duck (“Mehaffey”), and David Pellish p/k/a Dave Provost (“Pellish”) filed a Second Amended Complaint against UMG and Capitol Records, LLC (“Capitol”) for copyright infringement and declaratory relief;

WHEREAS, on September 30, 2020, UMG and Capitol filed a counterclaim against Ely for breach of contract and counterclaims against Straw for breach of contract and copyright infringement, respectively;

WHEREAS, UMG and Ely have entered into a confidential settlement agreement; and

WHEREAS, UMG, Capitol, and Ely agree to resolve the claims amongst and between them;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Ely, UMG, and Capitol, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and subject to Court approval under Fed. R. Civ. P. 23 that:

Ely dismisses this entire Action with prejudice solely as to Ely and Ely’s claims against defendants UMG, Capitol, and DOES 1 through 10.

UMG and Capitol dismiss the counterclaim against Ely with prejudice.

This Stipulation of Dismissal with Prejudice has no bearing on and shall not impact or affect in any manner the claims of plaintiffs Waite, Kasim, Straw, Phillips, Sobol, Wynn, Mehaffey, Pellish and/or any remaining plaintiffs or members of the putative class as against defendants UMG, Capitol, and/or DOES 1 through 10, or Capitol’s counterclaims against Straw.

Dated: New York, New York
November 17, 2020

Respectfully submitted,

BLANK ROME LLP

By: /s/ Ryan E. Cronin
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Attorneys for Defendants

IT IS SO ORDERED:

U.S.D.J. Lewis A. Kaplan